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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

XXXX,

No. C 01- JL

Plaintiff,

CASE MANAGEMENT AND
PRETRIAL ORDER

v.

XXXX,

Defendants.

Pursuant to Fed. R. Civ. P. 16 and Civ. L.R. 16-10(b), the following case
management and pretrial order is entered:

1. TRIAL DATE

a. (Court/Jury) trial will begin on [DATE] at 9:30 a.m. in Courtroom F,
15th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102.

b. The length of the trial will be not more than [] days.

2. DISCOVERY

a. Experts shall be disclosed by [DATE].

b. All discovery from experts shall be completed by [DATE].

c. All non-expert discovery shall be completed by [DATE].

d. In the event of a discovery dispute the parties shall use the following
procedure:

1 Parties shall meet and confer in person, or, if counsel are located outside the Bay
2 Area, by telephone, to attempt to resolve their dispute informally. A mere exchange of
3 letters, telephone calls, or facsimile transmissions does not satisfy the requirement to meet
4 and confer.

5 If, after a good faith effort, the parties have not resolved their dispute, they shall
6 prepare a concise joint statement, of less than three pages, without affidavits or exhibits,
7 stating the nature and status of their dispute. If a joint statement is not possible, each side
8 may submit a one page individual statement. The court will advise the parties regarding the
9 need, if any, for formal briefing or a hearing.

10 3. MOTIONS

11 All dispositive motions shall be served and filed not less than **thirty-five (35)** days
12 prior to the scheduled hearing date. Any opposition shall be served and filed no later than
13 **twenty-one (21)** days prior to the hearing date. Any reply to the opposition shall be served
14 and filed no later than **fourteen (14)** days prior to the hearing. Prior to a dispositive motion,
15 the parties shall meet and confer and, at the time the motion is filed, submit a joint
16 statement of undisputed facts.

17 4. ALTERNATIVE DISPUTE RESOLUTION (ADR)

18 The court hereby refers this case for **one** of the following:

- 19 a. A settlement conference to be scheduled before another Magistrate
20 Judge of this court. Counsel will be contacted by that judge's
21 chambers with a date and time for the conference as soon as is
22 convenient to the judge's calendar.
- 23 b. Referral to ADR for purpose of scheduling [mediation, arbitration, or
24 ENE] to be completed within [30] days.

25 5. A further Case Management Conference will be held within 30 days of
26 unsuccessful settlement conference or ADR proceedings. Parties shall jointly propose a
27 date on a Wednesday at 10:30 a.m.

28 6. PRETRIAL CONFERENCE

1 a. A final pretrial conference shall be held on [DATE] at 11:00 a.m., in
2 Courtroom F, 15th Floor. Each party shall attend personally or by counsel who will try the
3 case.

4 b. **Not less than thirty (30) days** prior to the date of the pretrial
5 conference, all counsel or parties shall meet and fulfill the requirements of Civil Local Rule
6 16-10(b).

7 c. **Not less than twenty (20) days** prior to the pretrial conference,
8 counsel or parties shall

9 (i) serve and file a joint pretrial statement pursuant to Local Rule 16-10
10 (b);

11 The pretrial statement shall include the disclosures required by Fed. R. Civ. P.
12 26(a)(3) as well as the following:

13 THE ACTION

14 Substance of the Action

15 Relief Prayed

16 FACTUAL BASIS FOR THE ACTION

17 Undisputed Facts

18 Disputed Factual Issues

19 Agreed Statement

20 Stipulations

21 DISPUTED LEGAL ISSUES

22 (List)

23 TRIAL PREPARATION

24 Witnesses to be Called

25 Exhibits, Schedules and Summaries;

26 Trial

27 Estimate of Trial Time

28 Use of Discovery Responses at Trial

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Further Discovery or Motions

TRIAL ALTERNATIVES AND OPTIONS

Settlement Discussions

Amendments - Dismissals

Bifurcation, Separate Trial of Issues

MISCELLANEOUS

Any other concerns of the parties

d. At the same time that the parties file their joint pretrial statement they shall also:

(ii) Serve and file trial briefs, which shall specify each cause of action and defense remaining to be tried along with a statement of the applicable legal standard (no opposition shall be filed);

(iii) Serve and file motions *in limine*, which shall be contained in one document. Motions in limine will be decided at the Pretrial Conference.

e. Serve and file a list of excerpts from discovery that will be offered at trial, specifying the witness, page and line references and whether the excerpt is to be offered in lieu of testimony or as impeachment;

f. Serve and file a list of witnesses likely to be called at trial, in person or by deposition, other than solely for impeachment or rebuttal, with a brief statement describing the substance of the testimony to be given;

g. Serve and file a numerical list of exhibits (including demonstrative exhibits that may be admitted into evidence but not those that are purely illustrative), with a brief statement describing the substance and purpose of each exhibit and the name of the sponsoring witness;

h. Exchange exhibits which shall be premarked, tabbed and in binders (plaintiff shall use numbers and defendant shall use letters); and deliver the original and

two duplicate sets of all premarked exhibits to chambers (exhibits are not to be filed) at least one week before trial.

(See Label)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. _____

Exhibit No. _____

Date entered: _____

RICHARD W. WIEKING, Clerk

By: _____

Deputy Clerk

j. Serve and file proposed joint voir dire questions and joint jury instructions for cases to be tried by jury (further instructions regarding jury instructions below);

k. Serve and file proposed findings of fact and conclusions of law for cases to be tried by the court.

l. Serve and file a proposed verdict form which contains no reference to submitting party.

m. **Two courtesy copies** of trial briefs and motions in limine shall be provided.

n. No party shall be permitted to call any witness or offer any exhibit in its case in chief that is not disclosed in these pretrial filings without leave of court and for good cause.

1 7. **Not less than ten days** prior to the pretrial conference, counsel or parties shall
2 serve and file any opposition or objection to those items required by section 3 (e), (f), (i),(j),
3 (k) and (l) of this order. Additionally, counsel or parties shall file any objections to the
4 qualifications of expert witnesses contained in the opposing party's witness list. Objections
5 not filed as required will be deemed waived. No replies shall be filed. All motions and
6 objections shall be heard at the pretrial conference unless otherwise ordered.

7 8. JURY TRIAL

8 a. Counsel shall submit an **agreed upon set** of additional voir dire
9 questions to be posed by the court. Any voir dire questions on which counsel cannot agree
10 may be submitted separately. Counsel will be allowed brief follow-up voir dire after the
11 court's questioning.

12 b. The following jury instructions from the Manual of Model Civil Jury
13 Instructions for the Ninth Circuit (1997 Edition) will be given absent objection: 1.01 - 1.12,
14 2.01 - 2.02, 3.01 - 3.03, 3.05 - 3.08. The Ninth Circuit Manual of Model Jury Instructions is
15 available on the web site for the U.S. District Court for the Northern District of California at
16 www.cand.uscourts.gov. Click on the 9th Circuit home page button at the lower left of the
17 first screen and then choose the Manual from the list on the right hand side of the next
18 screen. Counsel shall submit an agreed upon set of case specific instructions, using the
19 Ninth Circuit Manual where appropriate. Do not submit duplicates of those listed above.
20 Any instructions on which counsel cannot agree may be submitted separately. Each
21 requested instruction shall be typed in full on a separate page with citations to the authority
22 upon which it is based and a reference to the party submitting it. A **second blind copy** of
23 each instruction and verdict form shall also be submitted omitting the citation to authority
24 and the reference to the submitting party.

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DATED:

James Larson
United States Magistrate Judge